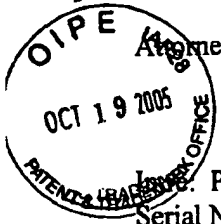


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Attorney Docket No. 5577-319

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Peter J. Brittenham *et al*;

Group Art Unit: 2157

Serial No.: 09/864,607

Examiner: Emmanuel Coffy

Filed: May 23, 2001

Confirmation No.: 3651

For: DYNAMIC UNDEPLOYMENT OF SERVICES IN A COMPUTING NETWORK

October 17, 2005

Mail Stop Appeal Brief-Patent
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37

Sir:

This Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" filed August 15, 2005.

It is not believed that an extension of time and/or additional fee(s) are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned under 37 C.F.R. Sec. 1.136(a). Any additional fees believed to be due may be charged to Deposit Account No. 09-0461.

Real Party In Interest

The real party in interest is assignee IBM Corporation, having a place of business at Armonk, New York.

Related Appeals and Interferences

The Appellants are aware of no appeals or interferences that would be affected by the present appeal.

Status of Claims


In the Final Office Action of March 28, 2005, all pending claims (*i.e.*, Claims 25-51) from the Amendment of November 7, 2005, were rejected. The Appellants appeal the final rejection of the subject matter of Claims 27, 28, 30, 49, and 51 from the Amendment of November 7, 2004.

In re: Peter Brittenham et al;
Serial No.: 09/864,607
Filed: May 23, 2001
Page 16 of 24

IV. Conclusion

In summary, the Appellants respectfully submit that the cited art fails to teach or suggest all recitations of independent Claims 25, 28, 30, 48, and 50 for at least the reasons discussed above. The remaining dependent claims are patentable at least as depending from patentable independent Claim 25. Accordingly, the Appellants respectfully request reversal of the rejection of the subject matter of Claims 25-26, 28-48, and 50 based on the cited references.

Respectfully submitted,

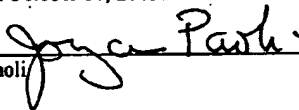

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patent, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 17, 2005.

Joyce Paoli





Attorney Docket No. 5577-319

AF/2157 2/11

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Peter J. Brittenham et al;
Application Serial No.: 09/864,607 Group No.: 2157
Filed: May 23, 2001 Examiner: Emmanuel Coffy
For: DYNAMIC UNDEPLOYMENT OF SERVICES IN A COMPUTING NETWORK

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF
(PATENT APPLICATION-37 C.F.R. § 41.37)

1. Transmitted herewith is the APPEAL BRIEF for the above-identified application, pursuant to the Notice of Appeal filed on August 15, 2005.

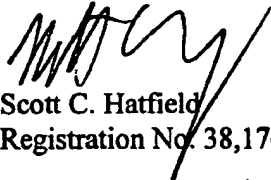
2. This application is filed on behalf of
 a small entity.

3. Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:
 small entity \$250.00
 other than small entity \$500.00

Appeal Brief fee due \$500.00

Fee may be charged to Deposit Account
09-0461.

Respectfully submitted,


Scott C. Hatfield
Registration No. 38,176

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Certificate of Mailing under 37 CFR 1.8

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Joyce Paoli